IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

MICHAEL CEHOUSKY,

Petitioner,

v. CIVIL ACTION NO. 5:07-cv-00433

T.R. CRAIG, Warden
FCI Beckley,

Respondent.

MEMORANDUM OPINION

Pending before the Court is Petitioner's § 2241 Petition for Writ of Habeas Corpus [Docket 2], and Motion for Emergency Hearing to Show Cause [Docket 13]. By Standing Order entered August 1, 2006, and filed in this case on July 12, 2007, this action was referred to Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge issued an Order to Show Cause [Docket 5], in response to which Respondent filed his brief on August 14, 2008 [Docket 10]. The magistrate judge then submitted her PF&R [Docket 14] on March 23, 2008, recommending that this Court deny as moot Petitioner's § 2241 Petition [Docket 2] and deny Petitioner's Motion for an Emergency Hearing to Show Cause [Docket 13].

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In this case, pursuant

to 28 U.S.C. § 636(b)(1)(B), and Rules 6(e) and 72(b) of the Federal Rules of Civil Procedure, objections to the PF&R were due by April 10, 2008. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 14] in its entirety, **DENIES AS MOOT** Petitioner's § 2241 Petition for Writ of Habeas Corpus [Docket 2], and **DENIES** Petitioner's Motion for Emergency Hearing to Show Cause [Docket 13]. A Judgment Order will enter this day implementing the rulings contained herein.

ENTER: June 13, 2008

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE